

NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT III

5. C.A. 618/2022

IN

Company Appeal 36/2022

CORAM: SHRI H. V. SUBBA RAO, MEMBER (J)
SMT ANURADHA SANJAY BHATIA, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **29.11.2022**

NAME OF THE PARTIES: MIRA HOLIDAY RESORTS PRIVATE LIMITED.

V/s.

REGISTRAR OF COMPANIES MUMBAI

SECTION 252(3) OF COMPANIES ACT, 2013

ORDER

Mr. Arvind Gupta, counsel appearing for the Applicant is present through
virtual hearing.

C.A. 618/2022

The above Application is filed for urgent listing of the company appeal bearing
No. **36/2022**. Accordingly, the above company appeal bearing No. 618/2022
is **allowed and disposed of**.

Company Appeal 36/2022

Heard the counsel appearing for the applicant and the above company appeal
is allowed. **Detail order will follow.**

Sd/-

ANURADHA SANJAY BHATIA
Member (Technical)
//Vithal//

Sd/-

H. V. SUBBA RAO
Member (Judicial)

**NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT- III**

CP No.: 36/252/MB/2022

Under section 252(3) of the Companies
Act, 2013

In the matter of

**1. MIRA HOLIDAY RESORTS PRIVATE
LIMITED**

Registered address at; 19, Rajashree,
Poddar Road, Santacruz (West),
Mumbai-400054

Email: cmsavla@cmsavla.com

**2. Mr. Madhusudan Mohanlal Gandhi
& Ms. Nila Mohanlal Gandhi**

19, Rajashree, Poddar Road,
Santacruz (West), Mumbai City
MH-400054

Mobile: +917798893870

Email: mmgandhi1945@.com

...Petitioners

Versus

**Registrar of Companies, Mumbai
Maharashtra**

Having its address at;

100, Everest, Marine Drive,

Mumbai 400002, State : Maharashtra

Tel : 022-228112627/ 22020295/
22846954 Fax : 022-22811977
Email: roc.mumbai@mca.gov.in

.....**Respondent**

Order dated : 29.11.2022

Coram:

Hon'ble H.V Subba Rao, Member (Judicial)
Hon'ble Anuradha Sanjay Bhatia Member (Technical)

Appearance:

For the Petitioner: Mr. Arvind Gupta, Adv.

ORDER

1. This present Petition has been filed under Section 252(3) of the Companies Act, 2013 (hereinafter as Act) by the Shareholder of "**M/s. MIRA HOLIDAY RESORTS PRIVATE LIMITED**" (company) praying for restoring its name in the Register of Companies maintained by the Registrar of Companies, Mumbai (hereinafter as ROC).
2. The name of the company was struck off from the Register on account of the reasons that it was not carrying on any business operation for a period of last two financial years and have not made any application within such period for obtaining the status of Dormant Company under S. 455 of the Act. The ROC has published a public notice for Striking off and Dissolution of Company i.e. STK - 7 dated 20.02.2020.

Submissions from the Petitioners:

3. The Petitioner submits that the company was incorporated on 09.09.2008 under the Companies Act, 2013. It is also submitted that the Statutory Returns were not filed since 2016. It is further submitted that, the Company now has all the remaining documents ready and prepared and is willing to file the same before the ROC, if so permitted. Further the Company is willing to file any other necessary document which are required by the ROC.

Submissions from the Respondent/RoC:

4. The Respondent/ ROC has filed a detailed report and submitted to this Tribunal on 24.08.2022, explaining the sequence leading to the striking off of the company. It is stated that the petitioner itself admitted non-filing of statutory returns. The Respondent side issued STK-1 notice to the Company on the ground that, the Company is not carrying any business and that there was no business operation for a period of last two financial years and have not made any application within such period for obtaining the status of Dormant Company under Section 455 of the Act and also issued STK-5 dated 28.08.2019.
5. In addition to the publication of the name of the company on web site of the Ministry, the name of the company was also published in official gazette on 29.02.2020 and also another public notice was issued in leading English newspaper (Times of India) and a widely circulated vernacular newspaper

(Maharashtra Times–Marathi) on 29.08.2019. Respondent further submitted that in absence of any representation against the proposed strike off action, the Registrar of Companies struck off the name of the company on 20.02.2020 and the dissolution order was published on the website of the Ministry vide STK 7 on 20.02.2020.

6. It is also submitted that, the company had failed to file statutory returns for a continuous period of more than two years and therefore, the ROC came to the conclusion that the company has ceased to do its business. And consequently, the name has been struck-off from the Register of Companies by ROC.

FINDINGS

7. That, the facts and circumstances of the case show that the relevant documents which are required to be filed, are ready with the company and the company is willing to file the same, if so permitted.
8. The petitioner enclosed the Audited Financial Statements for the financial years 2017-18, 2018-19, 2019-20, 2020-21 and Income Tax Return 2017-18, 2018-19, 2019-20, 2020-21 to show that the company is in continuous operation.
9. Hence, upon considering the facts and circumstances of this present petition, this Bench is of the view that, it would be just and fair to order restoration of the name of the company in the Register of Companies maintained by the ROC.

10. Accordingly, this Petition is allowed. The restoration of the Company's name to the Register of Companies maintained by the ROC, is hereby ordered, with a direction that the Company shall comply with the Provisions of the Act and further it will be subject to payment of costs of Rs. **25,000/-** per each defaulted year to be paid online through Bharat Kosh to the concerned ROC, as and when the order gets uploaded on the site of this Tribunal. Consequentially thereupon the Bank Account/s if freezed shall get defreezed and to be operated by the Company.
11. The ROC shall give effect of this Order only after perusal of the Compliance report of cost imposed. The Company is directed to file all the required documents and shall fulfil other relevant statutory compliances within 30 days from Restoration of its name in the Register of Companies maintained by ROC.

Sd/-
ANURADHA SANJAY BHATIA
Member (Technical)

Sd/-
H.V. SUBBA RAO
Member (Judicial)